

**CITY OF PALACIOS  
REGULAR COUNCIL MEETING**

**AGENDA**

**THURSDAY, MAY 19, 2022, 6:00PM**

**City of Palacios Council Chambers  
311 Henderson  
Palacios, Texas 77465**

**CALL TO ORDER – Mayor Chau**

**INVOCATION – Councilmember Lewis**

**PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG**

**PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG**

**PLEDGE OF ALLEGIANCE TO THE PALACIOS FLAG**

**NOTICE:**

*The City Council may, for its convenience or the convenience of City Staff or persons in attendance, modify the order in which the City Council considers items on the agenda.*

**SWEARING-IN CEREMONY**

1. **Oath of Office** - Issue Certificate of Election and Administer the Oath of Office to Mayor, City Council Position 1, City Council Position 2, and City Council Position 6. David Holubec, City Secretary.

**LIAISON ROTATIONS**

2. **Council Liaisons** - Discuss and assign council members to various boards and commissions, and declare Mayor Pro-Tem. Jim Gardner, Mayor

**VISITOR / CITIZEN FORUM**

*This time is set aside for anyone who wishes to address the City Council. Each person should fill out the speaker's register before the meeting. Presentations should be limited to no more than 3 minutes.*

*All remarks shall be addressed to the Council as a body and not to any individual member person making personal, impertinent, or slanderous remarks while addressing the Council may be requested to leave the meeting.*

*Discussion by the Council of any item not on the agenda shall be limited to statements of specific factual data given in response to any inquiry, a recitation of existing policy in response to an inquiry, and a proposal to place the item on a future agenda. During the Hearing of Residents portion of the agenda, the presiding officer will call on those persons who have signed up to speak in the order they have registered.*

## **PROCLAMATIONS**

- Recognizing Small Business - May. (Mayor Gardner, David Holubec)
- Recognizing Public Works Department and Police Department Week – May 15<sup>th</sup>. (Mayor Gardner, David Holubec)
- Recognizing Human Resources Department – May 20<sup>th</sup>. (Mayor Gardner, David Holubec)

## **PRESENTATION ONLY**

- City Manager's Report. Cynthia Raleigh, City Manager
- Recognition and Announcements. Cynthia Raleigh, City Manager
- Inter-Local Agreement – Proposed Agreement between Matagorda County and the City of Palacios for 911 dispatch services. Tobie Bias, Police Chief.

## **CONSENT AGENDA ITEMS**

Discuss and consider action approving the following consent agenda items:

- Minutes from the Special Council Meeting – May 12, 2022. David Holubec
- Minutes from the Regular City Council Meeting on April 28, 2022. David Holubec

## **DISCUSSION AND ACTION ITEMS**

3. **RESOLUTION - 2022-R-12** – Discuss and consider the TDHCA Home Improvement Application. Tammy McDonald, City Treasurer.
4. **RESOLUTION - 2022-R-13** – Discuss and consider the Downtown Revitalization Grant. Tammy McDonald, City Treasurer.
5. **RESOLUTION – 2022-R-14** – Discuss and consider the Civil Rights Documents for the Downtown Revitalization Grant. Tammy McDonald, City Treasurer
6. **RESOLUTION - 2022-R-15** – Discuss and consider the Drought Contingency / Water Conservation Plan. Darrell Robbins, Public Works, Director.
7. **Palacios Economic Development Building** – Discuss and consider the maintenance recommendations for the front facade of the Palacios Economic Development Corporation building. Leland Singer, PEDC
8. **Ordinance No. 2022-O-06** – Discuss and consider the Mid-Year Budget Adjustment. (Second and Final Reading). Tammy McDonald, City Treasurer

9. **Ordinance No. 2022 – O-7** - Discuss and consider an Ordinance by the City Council of Palacios, Texas for an Ambulatory Care Service Provider. (First Reading). Cynthia Raleigh, City Manager.

**CLOSED / EXECUTIVE SESSION:**

Report - Pursuant to Texas Government Code Section 551.074 Personnel to allow the City Council to be deliberate the appointment, employment, and duties of the City of Palacios, City Secretary and City Manager.

**RECONVENE TO OPEN / REGULAR SESSION:**

City Council shall reconvene in Open Session and may discuss, consider, and take action on any item listed above that was considered and discussed in Executive/Closed Session (If necessary).

Consider and take action deemed necessary as a result of the Executive Session.

**ADJOURNMENT**

***AGENDA NOTICES:***

**Action by Council Authorized:** The City Council may vote and act upon any item within this Agenda. The Council reserves the right to retire into executive session concerning any of the items listed on this Agenda, pursuant to and in accordance with Texas Government Code Section 551.071, to seek the advice of its attorney about pending or contemplated litigation, settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflict with the Open Meetings Act and may invoke this right where the City Attorney, the Mayor or a majority of the Governing Body deems an executive session is necessary to allow privileged consultation between the City Attorney and the governing body if considered necessary and legally justified under the Open Meetings Act. The City Attorney may appear in person, or appear in executive session by conference call in accordance with applicable state law.

**Attendance By Other Elected or Appointed Officials:** It is anticipated that members of other city boards, commissions, and committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions, and committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions, and committees of the City, whose members may be in attendance. The members of the boards, commissions, and committees may participate in discussions on the same items listed on the agenda, which occur at the meeting. Still, such in attendance will not take any action unless such item and action are expressly provided for on the agenda for that board, commission, or committee subject to the Texas Open Meetings Act.

**Executive Sessions Authorized:** This agenda has been reviewed and approved by the City's legal counsel, and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally addressed in the closed portion of the meeting considering public views of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c). The meeting is conducted by all participants in reliance on this opinion.

**Certification of Posting:** This is to certify that the above notice of a Regular Called Council Meeting was posted on the front bulletin board of the City Hall of the City of Palacios, Texas, on **Friday, May 13, 2022, before 6:00 PM.** If you have any questions concerning the above items, please contact City Manager Cynthia Raleigh at (361) 972-3605. This Notice was posted under the Texas Open Meeting Act (TEX.REV.CIV.STAT.ANN. Chapter 551) and recent guidelines from the Texas Attorney General.

\_\_\_\_\_  
David Holubec, Interim City Secretary

This facility is accessible in accordance with the Americans with Disabilities Act. Accessible parking spaces are available. If you require special assistance or have a request for sign interpretative services or other services, please call 361-972-3605 at least 24 hours before the meeting.

I CERTIFY THAT THE ATTACHED NOTICE AND AGENDA OF ITEMS DISCUSSED BY THE CITY COUNCIL WAS REMOVED BY ME FROM THE OFFICIAL BULLETIN BOARD ON \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Mayor Chau Pavilion Committee Liaison	Councilmember Lewis – Place 4 Planning and Zoning Committee Liaison
Councilmember Glenn – Place 1 Airport Committee Liaison	Councilmember Samora – Place 5 Housing Authority Commission Liaison
Councilmember Gardner – Place 2	Councilmember Dotson – Place 6 Parks and Recreation Committee Liaison
Councilmember Woolf – Place 3 Zoning Board of Adjustments Liaison	

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** May, 19, 2022  
**Department:** Police Department  
**Subject:** Interlocal Agreement Matagorda County dispatch services

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**BACKGROUND**

Upon being appointed with the City of Palacios I immediately began a survey of the equipment and needs of the department. I discovered great needs and deficits with the current emergency dispatch system and equipment. These issues were confirmed upon the inspection of a representative of the Texas Police Chief Association, which is the organization we are seeking recognition with for our Police Department. It was determined that the current equipment does not meet the basic needs to be an accredited agency with TPCA, but what is more, it is a danger to our officers. We discovered that the equipment being used to communicate out of dispatch to the officers is outdated and lacks the capability of radio playback or recording. This could be dangerous to officers in several ways to include lost information. If a dispatcher did not hear clearly a distress call by an officer that radio traffic cannot be played back by the dispatcher to summon help for the officer. We lose valuable radio recordings that could be used as evidence for trials or in officer complaint investigations. The cost to update radio systems, recordings and playback systems alone would be outside of the financial ability if the current budget.

Under the authority of Chapter 791 of the Tex. Gov't Code, also known as the Interlocal Cooperation Act; A local government may contract or agree with another local government or a federally recognized Indian tribe, as listed by the United States secretary of the interior under 25 U.S.C. Section 479a-1, whose reservation is located within the boundaries of this state to perform governmental functions and services in accordance with this chapter.

**GOAL**

Enter into an Interlocal Agreement between the City of Palacios and Matagorda County for the County to provide emergency dispatch services for the City of Palacios. To better provide services in both emergency and non-emergency situations.

**FISCAL IMPACT**

We are paying our dispatchers annually \$178,908.73 in salary and benefits currently. Matagorda County will provide the services at a cost to the City of Palacios of \$96,073. This would be a fiscal saving to the City of Palacios of \$82,835.73 annually.

**RECOMMENDATION**

Approve the City Manager to enter into an ILA with Matagorda County for emergency dispatch services.

**ATTACHMENT**

Agreement ILA Dispatch

STATE OF TEXAS                   §  
  § **INTERLOCAL DISPATCH AGREEMENT**  
COUNTY OF MATAGORDA   §

WHEREAS, the City of Palacio, Texas (hereinafter “City”), and Matagorda County, Texas (hereinafter “County”), acting by and through their duly authorized governing bodies desire to enter into an Interlocal Agreement;

WHEREAS, City is a duly organized political subdivision of the State of Texas and is engaged in the administration of City government and related services for the benefit of the citizens of Palacios; and

WHEREAS, County is a duly organized political subdivision of the State of Texas and is engaged in the administration of County government and related services for the benefit of the citizens of ~~Gray~~ Matagorda County, which includes City; and

WHEREAS, this agreement is entered into pursuant to and under the authority of Chapter 791 of the Tex. Gov’t Code, also known as the Interlocal Cooperation Act; and

WHEREAS, City and County believe that by working together they can best utilize resources to provide services for citizens of the City and County; and

WHEREAS, City and County wish to memorialize their mutual desire for County to provide 911 dispatch services for all citizens of the City of Palacios; and

NOW, THEREFORE, and in consideration of and conditioned upon the mutual covenants and agreements ~~as~~ herein contained, City and County do mutually agree as follows:

**TERMS AND CONDITIONS**

1. The effective date of this Agreement shall be the            day of           , 2022.
2. This Agreement shall remain effective for one years (1) from the effective date, except that is shall be automatically renewed for additional one year period at the end of each annual time period, unless either party gives the other party at least 30 days notice in writing of the party’s desire not to renew, or to terminate, this agreement.
3. County shall furnish, at its own expense, all equipment, personnel, licensure, certification and services necessary to operate, staff and manage the 911 dispatch operations for the City and County. Such obligation includes the County’s responsibility for the cost of programming, maintenance and replacement of necessary equipment.
4. County will be solely responsible providing emergency dispatch services for the City and County within the authorized jurisdiction of each.
5. County will comply with any and all legal requirements related to an incident to operating 911 dispatch services.
6. County shall not be liable to anyone, including City, for the acts of omissions City employees or volunteers for services provide under or related to the terms of this Agreement. City shall indemnify, hold harmless, protect and defend County and its agents, officers and employees,

at City's own expense, for any actions undertaken pursuant to this Agreement in the event of lawsuit, cause of action, or claim against County arising through fault directly attributable to City. Additionally, County shall not be liable to anyone, including County, for the acts or omissions of County employees or volunteers for services provided under or related to the terms of this Agreement. County shall indemnify, hold harmless, protect and defend City and its agents, officers and employees, at County's own expense, for any actions undertaken pursuant to this Agreement in the event of lawsuit, cause of actions or claim against City that arise through fault directly attributable to County.

7. City shall pay any cost associated with Tyler Technology transfer to County for maintaining and issuing report numbers to City.
8. City agrees to pay \$96,073 for each 12-month period that this Agreement is in place. The City shall pay County 1/12<sup>th</sup> of the compensation on a monthly basis, on or before the 10<sup>th</sup> day of each calendar month. Payment to County by City shall be made from current revenues of City of from a fund established by City and within its immediate control.
9. County agrees to maintain all class C misdemeanor records, warrants of arrest, capias pro fines, and paper originals from the City of Palacios Municipal Court and shall report to officers as to the existence of said warrant upon request.
10. County agrees to maintain all warrants of arrest, of any and all classifications, and paper originals from the County and District Courts of Matagorda County and shall report to officers as to the existence of said warrants.
11. This Agreement reflects the entire Agreement between City and County, and supersedes all prior negotiations, representations or agreements, either written or oral.
12. This Agreement may be amended only by written instrument signed by both City and County.
13. The validity of this Agreement and all of its terms and provisions, as well as the rights and duties of the parties hereto, shall be governed by the laws of the State of Texas. Further, this Agreement shall be performable in Matagorda County, Texas.
14. If any portion of the Agreement shall be found to be contrary to law, it is the intent of the parties hereby that the remaining portions shall remain valid and in force and effect to the extent possible.
15. This Agreement is not intended to, and shall not be construed, to create the relationship of agent, servant, employee, partnership, joint venture, or association between City and County. County agrees and understands that all County employees, agents or representatives rendering services under this Agreement are employees solely of the County.
16. All notices required under this Agreement shall be considered satisfied by Deposit of the Notice in the United States mail, Postage prepaid, to the parties as follows
- ~~16.~~17. No provision of this Agreement shall or can be construed to confer any rights to any third person or entity

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Cynthia Raleigh  
City Manager  
City of Palacios  
311 Henderson  
Palacios, Texas 77465

Hon. Nate McDonald  
Matagorda County Judge  
1700 7<sup>th</sup> Street Room 301  
Bay City, Texas 77414

~~17. No provision of this Agreement shall or can be construed to confer any rights to any third person or entity.~~

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Signed and entered this the [redacted] day of [redacted], 2022.

CITY OF PALACIOS, TEXAS

By: \_\_\_\_\_  
Linh Chau, Mayor

ATTEST:

[redacted] \_\_\_\_\_  
City Secretary

MATAGORDA COUNTY, TEXAS

By: \_\_\_\_\_  
Hon. Nate McDonald, County Judge

ATTEST: \_\_\_\_\_  
Stephanie Wurtz, County Clerk

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** May 19, 2022  
**Department:** City Secretary  
**Subject:** Minutes

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**BACKGROUND**

City Council met in a special meeting on May 12 and regular meeting on April 28, 2022.

**GOAL**

Approve minutes as written for the above meetings.

**FISCAL IMPACT**

None

**RECOMMENDATION**

Approve as presented

**ATTACHMENT**

Minutes of the May 12, 2022 special council meeting

Minutes of the April 28, 2022 regular council meeting

**THE CITY OF PALACIOS, TEXAS  
REGULAR MEETING MINUTES  
April 28, 2022**

**PUBLIC HEARING**

DC Dunham opened the public hearing at 5:45PM. The City of Palacios Planning and Zoning Commission held the public hearing to receive citizen's comments regarding the rezoning of the property located at 1120 Rorem Street and 1112 Rorem Street, both from commercial designation to residential designation. No public comments were made after Dunham explained the rezoning in depth. DC Dunham closed the public hearing at 5:35PM.

**REGULAR COUNCIL MEETING**

A Regular Meeting was held by the City Council of the City of Palacios on April 28, 2022, at 6:00 p.m., in the Council Chamber, 311 Henderson, Palacios, Texas 77465.

**CALL TO ORDER**

Mayor Chau called the meeting to order at 6PM.

**ATTENDANCE ROLL CALL**

Mayor, Linh Chau  
Councilmember Place 6, Michael Dotson, EXCUSED  
Councilmember Place 5, Raylyn Samora  
Councilmember, Place 4, Troy Lewis  
Councilmember Place 3, Chip Woolf  
Councilmember, Place 2, Jim Gardner  
Councilmember Place 1, Larry Glenn

City Manager, Cynthia Raleigh  
City Attorney, Anne Marie Odefey  
City Treasurer, Tammy McDonald  
Police Chief, Tobie Bias  
Administrative Assistant, Aleigha Galvan  
Interim City Secretary, David Holubec

**INVOCATION & PLEDGES**

Mayor Chau recognized Councilmember Lewis who led the Council, Staff, and Citizens in prayer and pledges to the U.S., Texas, and Palacios Flags.

**OATH OF OFFICE - PALACIOS POLICE OFFICERS**

Police Chief, Tobie Bias swore-in new police officers, Miranda Garcia and Jeremy Davis. The officers were welcomed to the City by Mayor and Councilmembers. We welcome them to the City of Palacios team.

## **PROCLAMATIONS**

Mayor Chau presented a proclamation by the City of Palacios, recognizing April 30, 1975 as the Fall of Saigon. The City of Palacios and the Vietnamese – American Citizens of Palacios proclaim the Vietnamese Heritage and Freedom Flag as the official flag of the Vietnamese American Community in Palacios, Texas.

Mayor Chau presented a proclamation by the City of Palacios, recognizing May 5, 2022 as the day to celebrate Cinco de Mayo and encourages all citizens to recognize this day in honoring the Mexican-American culture and heritage in Palacios, Texas.

## **VISITOR / CITIZEN FORUM**

Any person with city related business may speak to City Council. Speakers must sign in and complete a registration form and give it to the City Secretary no later than 10 minutes prior to the start of the council meeting. All speakers will be limited to (3) three minutes.

1. C. Murphy discussed the importance of the public swimming pool for people suffering from health issues that may benefit from the use of the pool. (Discussed during agenda item).
2. Joe Monk discussed the building regulations fees for Ordinance 2022 – O – 1 requesting Reimbursement for fees charged by Bureau Veritas North America as it may relate to the new building projects for the Palacios Independent School District. City Manager Raleigh has spoken to Superintendent, Dr. Chapman regarding this issue and it's being reviewed. (Discussed during agenda item).

## **CITY MANAGER'S REPORT**

1. Reminded citizens of the Luther Hotel Open House this Saturday, April 30<sup>th</sup>.
2. May 4<sup>th</sup> - Arctician's Round Table Meeting at the Palacios Museum, 6PM.
3. May 7<sup>th</sup> - ELECTION DAY.
4. May 12<sup>th</sup> – Denim and Diamonds Gala (Benefiting the Boys & Girls Club of Palacios)
5. May 21<sup>st</sup> – Volunteer Fair (Seeking volunteers for the City of Palacios committees and board)
6. June 10<sup>th</sup> – Palacios Health Fair

## **ADMINISTRATIVE REPORTS / PRESENTATIONS**

1. All American City Designation – E. Fagan-Baker is working on securing this designation for the City of Palacios.

2. Navigation District Update by Victor Martinez. He discussed his positive working experience with City Manager Raleigh in negotiating expired inter-local agreements with the city involving the Navigation District.
3. Police Chief Bias updated the council on the Police Department. The police department was able to purchase all new firearms for officers with confiscated monies. Officers had various types of firearms and holsters. Having different fire arms and holsters, not in unison, is deemed unsafe for officers. This is a progressive step for the department toward officer safety. The department is also working on qualifying for a high quality agency certification through the TPCA Association.
4. L. Krishnarao presented the project the Gunda Corporation is undertaking, updating Palacios building codes, which are needed for current building standards.
5. Finance Director, Tammy McDonald, discussed the current financials for the City.
6. Public Works director, Darrell Robbins discussed the city-wide projects his department has in progress or completed. Water leaks, airport fuel tank, baseball field restrooms, Pavilion roof, Bethany Park concrete work, and hanger door repairs.
7. Matt Glaze with Urban Engineering offered a presentation on the proposed City water study.
8. City Manager Raleigh presented the mandatory 12% rate increase, for garbage services, levied by the City's waste provider.

### **CONSENT AGENDA ITEMS**

NONE

### **DISCUSSION AND / OR ACTION ITEMS**

1. **Minutes** – Discuss and consider approving the minutes from the Special Council Meeting on April 11, 2022, and the Regular Council Meeting on April 14, 2022. The minutes were reviewed and were approved as written, by motion. MOTION & SECOND: Woolf / Lewis. *Vote unanimous.*
2. **Ordinance 2022-0-1** – Discuss and consider action to ratify Ordinance 2022–O–1 adding section A3.01.00005 to Appendix “A” CHAPTER 3, “Building Regulations,” of the Code of Ordinances of the City of Palacios, Texas, to recover fees charged by Bureau Veritas North America plus additional fees. (SECOND & FINAL READING). This item was presented by City Manager Raleigh. The effects on the new building projects of the Palacios ISD are being reviewed. After discussion, the ordinance was approved as written, by motion. MOTION & SECOND: Glenn / Gardner. *Vote unanimous.*
3. **Ordinance 2022-0-3** - Discuss and consider approving Ordinance 2022–O–3 amending Chapter 6 of the Palacios City Code; providing that the City is deemed the owner of impounded animals not redeemed with 72 hours of impoundment. (SECOND & FINAL READING) This item was presented by City Manager Raleigh. After discussion, the ordinance was approved as written by motion. MOTION & SECOND: Glenn / Gardner. *Vote unanimous.*

4. **Ordinance 2022–O–6** – Discuss and consider approving Ordinance–O–6 revising budget line items which shall supersede all previously adopted ordinances and amendments. (FIRST READING). This item was presented by Finance Director, Tammy McDonald. After discussion, the ordinance was approved, as written, by motion. MOTION & SECOND: Glenn / Lewis. *Vote unanimous.*
5. **Water Extension Agreement** – Discuss and consider approving a water extension agreement with Turtle Bay Cove RV Park. This item was presented by City Manager Raleigh. After discussion, the agreement was approved as written, by motion. MOTION & SECOND: Glenn / Woolf. *Vote unanimous.*
6. **Airport Hay/Pasture Lease** – Discuss and consider approving a lease agreement for a hay/pasture lease at the airport property. After discussion, which included the removal requirements of the hay, the lease was approved as written, by motion. MOTION & SECOND: Glenn / Samora. *Vote unanimous.*
7. **Juneteenth Holiday** – Discuss and consider approving June 19, 2022 as a holiday (Juneteenth) for the City of Palacios employees. Councilmember Lewis recommended the holiday to Council. Councilmember Woolf discussed the amount of current Federal Holidays, (11) already in place, and the City of Palacios’ current (13) holidays. This particular holiday will make (14) holidays for Palacios City employees. Councilmember Woolf also discussed the possibility of removing some of the current holidays to align with the Federal Government holidays (11). Councilmember Gardner discussed the celebration of ethnic holidays and the need to have a day away from work. His concern was the fiscal effect on the City. The holiday was not approved. MOTION & SECOND: Lewis / Samora. VOTE FOR: Councilmember Lewis, Councilmember Samora, Councilmember Glenn, Mayor Chau. VOTE AGAINST: Councilmember Woolf, Councilmember Gardner. Excused Absence: Councilmember Dotson.
8. **LaSalle Landing** – Discuss and consider approving the final plat for LaSalle Landing. This item was presented by City Manager Raleigh. The property is being divided into three parcels which will eventually provide tax revenue for the City of Palacios. The final plat was approved as presented, by motion. MOTION & SECOND: Woolf / Gardner. *Vote unanimous.*
9. **Lawn Care RFP** – Discuss and consider the approval of a contract for mowing services on various properties for the City of Palacios. The Palacios Lawn Care was chosen to provide mowing services and maintenance for the City of Palacios. This contract was presented by City Manager Raleigh. After discussion, the contract was approved by motion. The contract is in the amount of \$35,450.00 per year. MOTION & SECOND: Glenn / Samora. *Vote unanimous.*
10. **Water Sewer Infrastructure Study Proposal** – Discuss and consider approval of a proposal from Urban Engineering to perform a water/sewer infrastructure study. The cost of the study will be \$27,000, which will be paid by an earmarked set of funds, set aside for a match-grant that is not occurring this fiscal year. These funds are available for immediate use. The study is to be completed within 30 – 45 days. The study proposal was

approved as presented, by motion. MOTION & SECOND: Glenn / Gardner. *Vote unanimous.*

11. **Swimming Pool Inspection** – Discuss and consider action regarding the City of Palacios Swimming Pool property inspection report. The pool has not been in use in two (2) years. The inspection revealed several upgrades that need to be made due to ADA compliance. Major repairs are recommended. Palacios ISD is requesting notification on whether/when the pool will be usable in order for them to hire life-guards and notify interested parties. The City and the school district have had an agreement with the pool since 1981. The pool is located on property owned by the school district and is slated to be traded in two (2) years in an agreement between the school district and a private party. There is only \$20,000 in the budget for the swimming pool this fiscal year. The City receives no revenue from the swimming pool. The school district receives all pool revenue to hire life-guards and purchase pool chemicals. It was decided that the pool could not be opened at this time. After discussion, the Council asked the City Manager to obtain cost estimates regarding further inspections and repair costs. MOTION & SECOND: Glenn / Gardner. *Vote unanimous.*
  
12. **Real Estate RFQ** – Discuss and consider action regarding a real estate broker for real estate services for the City of Palacios. One response was received. It was from Texas Coastal Properties of Palacios, Texas. The firm is qualified to perform the services and is willing to negotiate broker fees with the City Manager. Surplus properties will be sold through this broker. The RFQ was approved by motion. MOTION & SECOND: Glenn / Woolf. *Vote unanimous.*
  
13. **Rescheduling of May 12, 2022 Council Meeting** – Discuss and consider moving the May 12, 2022 Regular City Council Meeting to May 19, 2022, due to the “Denim and Diamonds,” Boys and Girls Club Fundraiser here in Palacios. Councilmember Woolf asked that the City try to keep consistent with our council meeting schedule as much as possible in the future and remind other entities to assist in working around this schedule for the citizens of Palacios. There will be a Special City Council Meeting on May 10, 2022, at 6PM to canvas the election results from the May 7<sup>th</sup> election.
  
14. **Sign Shop Equipment Purchase** – City Manager Raleigh asked Council to remove this item from tonight’s agenda due to information recently received, making this item not necessary. She will report her further findings at a later Council Meeting. Item removed from the agenda.

## **EXECUTIVE SESSION**

NONE

**Called under Section 551.071 of the Texas Government Code under the following sections:**

- 551.071(2) To confer with its attorney regarding matters covered by the attorney/client privilege.

- 551.072 To deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
- 551.074 To discuss the appointment, employment, evaluation, responsibilities, and duties, reassignment, discipline, or dismissal of an officer or employee, or to hear a complaint or charge against an officer or employee(s) City Secretary and/or City Treasurer in regard to team re-organization.

Consider and/or take action deemed necessary as a result of the Executive Session.

NONE

**ADJOURNMENT**

As there was no further action, Mayor Linh adjourned the meeting by motion. MOTION & SECOND: Glenn / Lewis. *Vote Unanimous.*

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Linh Chau, Mayor

ATTEST:

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David Holubec, Interim City Secretary



**THE CITY OF PALACIOS, TEXAS  
SPECIAL COUNCIL MEETING MINUTES  
May 12, 2022**

**SPECIAL COUNCIL MEETING**

A Special Meeting was held by the City Council of the City of Palacios on May 12, 2022, at 5:30PM, in the Council Chamber, 311 Henderson, Palacios, Texas 77465.

**CALL TO ORDER**

Mayor Pro Tem, Troy S. Lewis called the meeting to order at 5:30PM.

**ATTENDANCE ROLL CALL**

Mayor, Linh Chau, EXCUSED  
Councilmember Place 6, Michael Dotson  
Councilmember Place 5, Raylyn Samora  
Councilmember, Place 4, Troy S. Lewis  
Councilmember Place 3, Chip Woolf  
Councilmember, Place 2, Jim Gardner  
Councilmember Place 1, Larry Glenn

City Manager, Cynthia Raleigh  
City Attorney, Anne Marie Odefey  
City Treasurer, Tammy McDonald  
Interim City Secretary, David Holubec

**INVOCATION & PLEDGES**

Mayor Pro Tem Lewis recognized Councilmember Dotson who led the Council, Staff, and Citizens in prayer and pledges to the U.S., Texas, and Palacios Flags.

**VISITOR / CITIZEN FORUM**

Any person with city related business may speak to City Council. Speakers must sign in and complete a registration form and give it to the City Secretary no later than 10 minutes prior to the start of the council meeting. All speakers will be limited to (3) three minutes.

NONE

## **DISCUSSION AND / OR ACTION ITEMS**

1. May 7, 2022 Election Results ~ Canvass and certify the results from the General and Special Elections held on May 7, 2022 for Mayor, City Council Position 1, City Council Position 2, City Council Position 6 and Propositions A, B, C, D, and E.

After review and discussion of the election results, the results were officially canvassed and certified by Council motion. MOTION & SECOND: Dotson/Gardner. *Vote unanimous.*

2. RESOLUTION – 2022-R-15 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALACIOS, MATAGORDA COUNTY, TEXAS, DECLARING THE RESULTS OF THE GENERAL ELECTION AND SPECIAL ELECTION OF THE CITY OF PALACIOS HELD MAY 7, 2022, FOR THE PURPOSE OF ELECTING MAYOR AND THE CITY COUNCIL MEMBERS FOR PLACE NOS. 1, 2, AND 6; AND PROPOSITIONS A, B, C, D, AND E; AND PROVIDING AN EFFECTIVE DATE.

After review and discussion, the resolution was approved as presented by motion. MOTION & SECOND: Dotson/Gardner. *Vote unanimous.*

## **EXECUTIVE SESSION**

NONE

**Called under Section 551.071 of the Texas Government Code under the following sections:**

- 551.071(2) To confer with its attorney regarding matters covered by the attorney/client privilege.
- 551.072 To deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
- 551.074 To discuss the appointment, employment, evaluation, responsibilities, and duties, reassignment, discipline, or dismissal of an officer or employee, or to hear a complaint or charge against an officer or employee(s) City Secretary and/or City Treasurer in regard to team re-organization.

## **RECONVENE TO OPEN SESSION**

Consider and/or take action deemed necessary as a result of the Executive Session.

NONE

## **ADJOURNMENT**

As there was no further action, Mayor Pro Tem Lewis adjourned the meeting by motion.  
MOTION & SECOND: Woolf / Dotson. *Vote Unanimous.*

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Troy S. Lewis, Mayor Pro Tem

ATTEST:

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David Holubec, Interim City Secretary

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** May 19, 2022  
**Department:** City Secretary  
**Subject:** Oaths of Office

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**BACKGROUND**

An election was held on May 7, 2022. Oaths of office need to be taken for re-elected and elected officials.

**GOAL**

Properly seat the returning and new members of City Council

1. Mayor – Jim Gardner
2. City Council Place 1 – Larry Glenn
3. City Council Place 2 – Sharon Trainor
4. City Council Place 6 – Michael Dotson

**FISCAL IMPACT**

None

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** May 19, 2022  
**Department:** City Secretary  
**Subject:** Council Liaisons and Mayor Pro Tem

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**BACKGROUND**

Per our Charter, Section 3.09(b):

Mayor Pro Tem shall be a Councilmember and shall be elected by the City Council at the first regular meeting following the general municipal election.

It is good practice to revolve the liaisons various boards and commissions.

Current positions are as follows:

Mayor Chau Pavilion Committee Liaison	Councilmember Lewis – Place 4 Planning and Zoning Committee Liaison
Councilmember Glenn – Place 1 Airport Committee Liaison	Councilmember Samora – Place 5 Housing Authority Commission Liaison
Councilmember Gardner – Place 2	Councilmember Dotson – Place 6 Parks and Recreation Committee Liaison
Councilmember Woolf – Place 3 Zoning Board of Adjustments Liaison	

Mayor Pro-Tem is currently Troy Lewis.

**GOAL**

To designate the Mayor Pro Tem for the City of Palacios and reassign liaison duties for the Council to the Boards and Commissions listed above.

**FISCAL IMPACT**

None

**RECOMMENDATION**

Mayor Gardner Airport Committee Liaison Emergency Management	Councilmember Lewis – Place 4 Housing Authority Liaison
Councilmember Glenn – Place 1 Planning and Zoning Committee Liaison	Councilmember Samora – Place 5 Parks and Recreation Committee Liaison Emergency Management Liaison*
Councilmember Trainor – Place 2 Zoning Board of Adjustments Liaison Make Palacios Shine Commission Liaison*	Councilmember Dotson – Place 6 Pavilion Committee Liaison Events and Festivals Commission Liaison*
Councilmember Woolf – Place 3 Creativity for Change Commission Liaison*	

Mayor Pro Tem shall be elected from either Councilmember Woolf, Samora, Dotson, Glenn or Trainor. Mayor Gardner recommends Councilmember Woolf as Mayor Pro Tem.

\*In the process of being developed, these commissions are on June 9 Agenda for Approval.

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** May 19, 2022  
**Department:** City Treasurer  
**Subject:** TDHCA HOME Improvements Program

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**BACKGROUND**

Numerous Palacios citizens struggle with keeping their living conditions safe and healthy.

**GOALS**

The Texas Department of Housing and Community Affairs (TDHCA) has opened up a funding opportunity under their HOME Improvements Program. The City of Palacios believes that this is an opportunity to help our citizens and our city become more healthy and beautiful with new homes.

**FISCAL IMPACT**

The fiscal impact for the City of Palacios is that newer homes mean better property tax revenue to the City of Palacios.

**RECOMMENDATION**

Staff recommends that the city move forward with an application for the TDHCA HOME Improvement Program and allow the Mayor to have signatory authority for all documents related to this program

**ATTACHMENT**

See attached Resolution 2022-R-12.

**RESOLUTION NO. 2022-R- 12**

**A RESOLUTION OF THE CITY OF PALACIOS, TEXAS, MATAGORDA COUNTY, APPROVING THE SUBMITTAL OF THE TDHCA HOME INVESTMENT PARTNERSHIP PROGRAM APPLICATION AND AUTHORIZING THE MAYOR OF THE CITY OF PALACIOS AS SIGNATORY FOR ALL ADMINISTRATION DOCUMENTS FOR THIS PROGRAM.**

\*\*\*\*\*

**WHEREAS**, the Texas Department of Housing and Community Affairs (TDHCA) has notified the public of a funding availability to benefit low-income residents of the State of Texas communities through the Texas HOME Investment Partnerships Program; and

**WHEREAS**, the City of Palacios has identified significant housing needs, particularly for the rehabilitation or reconstruction of owner occupied housing, and the City of Palacios desires to improve accessibility to services for persons with limited English proficiency; and

**WHEREAS**, the City of Palacios wishes to assist low-income homeowners with safe, decent, sanitary and affordable housing, and at the same time enhance the health, economic, and aesthetic quality of the community:

**NOW, THEREFORE, BE IT RESOLVED THAT**

**ONE**, the City of Palacios, acknowledges and approves that an application be completed and submitted to the TDHCA to participate in the HOME Investment Partnerships Program.

**TWO**, the City of Palacios will utilize general funds up to the amount of \$40,000 as cash reserve to utilize during the agreement term for eligible program costs before reimbursements are received from the State of Texas HOME Program.

**THREE**, in accordance with 10 TAC 23, The HOME Program Match contribution requirement for the City of Palacios is four percent (4%).

**FOUR**, The city designates the Mayor as the person authorized to represent the City of Palacios in all matters related to the HOME Program and also with signature authority to sign all forms and documents related to the administration of the HOME Program, including loan documents, grant agreements and the Reservation System Participation Agreement and/or Contract.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

by the City of Palacios City Council

\_\_\_\_\_  
**Jim Gardner, Mayor**

Attest:

\_\_\_\_\_  
David Holubec, Interim City Secretary



**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** May 19, 2022  
**Department:** Finance/HR  
**Subject:** Downtown Revitalization Authorized Signatories

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**BACKGROUND**

The City of Palacios is received a Downtown Revitalization Grant. The contract was signed in April of 2022 and we are now moving forward with the Environmental Phase of the Grant. The environmental phase is a study to analyze if the project will make an actual or potential environmental hazard on the property where the project will be performed. Samples of the surrounding location are taken to determine if there are any current hazards before disturbing the ground. A study is also done to make sure there are no endangered species that will be eradicated due to work performed. This is a lengthy process and normally takes 6 to 12 months depending on the project.

**GOALS**

The goal of the grant is to complete the sidewalks and lighting on the south side of Main Street to match what was previously done on the North side of Main Street.

**FISCAL IMPACT**

The fiscal impact for the City of Palacios is that Main Street will be more appealing to businesses and individuals alike. More businesses, more tax revenue, ultimately, more revenue for the City of Palacios. This grant does have a match of \$75,000 of which, Palacios EDC has agreed to pay \$37,500 towards this match. Therefore, the cost to the General Fund is \$37,500 which will be budgeted for in 2022-2023 budget.

**RECOMMENDATION**

Staff recommends that the city authorize the Mayor and City Manager to execute all contractual documents; the Mayor, City Manager, Finance/HR Manager and Grant Administrator to authorize all Purchase Vouchers and Request for Payments; and the Mayor to execute environmental reviews and related environmental documents.

**ATTACHMENT**

See attached Resolution 2022-R-13 Authorizing Signatories for the Downtown Revitalization Grant.

**RESOLUTION 2022-R-13  
AUTHORIZING SIGNATORIES**

**A RESOLUTION BY THE CITY COUNCIL OF CITY OF PALACIOS DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TXCDBG) GRANT AGREEMENT NUMBER CDM21-0045.**

**WHEREAS**, The City of Palacios has received a 2021 Texas Community Development Block Grant award to provide 03L - Sidewalks; and

**WHEREAS**, it is necessary to appoint persons to execute contractual documents, environmental review documents, and documents requesting grant funds from the Texas Department of Agriculture, and;

**WHEREAS**, all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.

**NOW, THEREFORE**, The City of Palacios directs and designates the following to act in all matters in connection with this grant:

- The Mayor shall serve as the Chief Executive Officer and Authorized Representative to execute contractual documents;
- The Mayor is authorized to review and execute environmental review documents between the Texas Department of Agriculture and the City of Palacios; and
- The Mayor, City Manager, Finance/HR Manager, Grant Administrator are authorized to execute the Request for Payment Form documents and/or other forms required for requesting funds to reimburse project costs

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF PALACIOS, TEXAS,**  
on \_\_\_\_\_, 2022.

**APPROVED:**

\_\_\_\_\_  
Jim Gardner, Mayor

**ATTEST:**

\_\_\_\_\_  
David Holubec, Interim City Secretary

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** May 19, 2022  
**Department:** Finance/HR  
**Subject:** Downtown Revitalization Authorized Signatories

---

**BACKGROUND**

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**GOALS**

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**RECOMMENDATION**

Staff recommends that the city pass the Civil Rights Documents for this grant.

**ATTACHMENT**

See attached Resolution 2022-R-14 Civil Rights Documents for the Downtown Revitalization Grant.

**Resolution 2022-R14  
Regarding Civil Rights**

**The City of Palacios, Texas**

Whereas, The City of Palacios, Texas, (hereinafter referred to as “City of Palacios”) has been awarded TxCDBG funding through a TxCDBG grant from the Texas Department of Agriculture (hereinafter referred to as “TDA”);

Whereas, The City of Palacios, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability;

Whereas, The City of Palacios, in consideration for the receipt and acceptance of federal funding for the Contract, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections;

Whereas, The City of Palacios, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 75, is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the TxCDBG project area;

Whereas, The City of Palacios, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State’s certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;

Whereas, The City of Palacios, in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each TxCDBG project;

Whereas, The City of Palacios, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds;

Whereas, the The City of Palacios, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period to affirmatively further fair housing; and

Whereas, The City of Palacios, agrees to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF PALACIOS, TEXAS, THAT THE CITY OF PALACIOS ADOPTS THE FOLLOWING:

1. Citizen Participation Plan and Grievance Procedures (Form A1013);
2. Excessive Force Policy (Form A1003);
3. Section 504 Policy and Grievance Procedures (Form A1004);
4. Code of Conduct Policy (Form A1002), and
5. Fair Housing Policy (Form 1015).

The City of Palacios affirms its commitment to conduct a project-specific analysis and take all appropriate action necessary to comply with program requirements for the following:

6. Section 3 economic opportunity;
7. Limited English Proficiency; and
8. Affirmatively Further Fair Housing

\_\_\_\_\_  
Signature

Jim Gardner, Mayor  
Name, Title

\_\_\_\_\_  
Date

**CITY OF PALACIOS  
CITIZEN PARTICIPATION PLAN  
TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

*Note to Grant Recipients regarding Limited English Proficiency (LEP) requirements:*

In accordance with federal law, if there is a significant number of the population who are non-English speaking residents and are affected by the TxCDBG project, such citizens should have "meaningful access" to all aspects of the TxCDBG project. To provide 'meaningful access', Grant Recipients may need to provide interpreter services at public hearings or provide non-English written materials that are routinely provided in English. Examples of such vital documents include Citizen Participation notices (e.g. complaint procedures, hearing notices) civil rights notices, and any other published notice that may allow an eligible person with limited English proficiency to participate in discussing proposed CDBG activities.

For more information, see [LEP.gov](http://LEP.gov).

**COMPLAINT PROCEDURES**

These complaint procedures comply with the requirements of the Texas Department of Agriculture's Texas Community Development Block Grant (TxCDBG) Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at The City of Palacios offices, 311 Henderson, Palacios, TX 77465-0845, (361) 972-3605 during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the TxCDBG project.

1. A person who has a complaint or grievance about any services or activities with respect to the TxCDBG project, whether it is a proposed, ongoing, or completed TxCDBG project, may during regular business hours submit such complaint or grievance, in writing to the Mayor, at City of Palacios at 311 Henderson or P.O. Box 845, Palacios TX 77465-0845, or may call (361) 972-3605.

A copy of the complaint or grievance shall be transmitted by the Mayor to the entity that is the subject of the complaint or grievance and to The City of Palacios

2. Attorney within five (5) working days after the date of the complaint or grievance was received.
3. The Mayor shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to person who made the complaint or grievance within ten (10) days.
4. If the investigation cannot be completed within ten (10) working days per 3. above, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.
5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the TxCDBG for their further review and comment.

6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

#### TECHNICAL ASSISTANCE

When requested, The City of Palacios shall provide technical assistance to groups that are representative of persons of low- and moderate-income in developing proposals for the use of TxCDBG funds. The City of Palacios, based upon the specific needs of the community's residents at the time of the request, shall determine the level and type of assistance.

#### PUBLIC HEARING PROVISIONS

For each public hearing scheduled and conducted by The City of Palacios, the following public hearing provisions shall be observed:

1. Public notice of all hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice must include the date, time, location, and topics to be considered at the public hearing. A published newspaper article can also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.
2. When a significant number of non-English speaking residents are a part of the potential service area of the TxCDBG project, vital documents such as notices should be published in the predominant language of these non-English speaking citizens.

Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and The City of Palacios

3. must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to the hearing.
4. A public hearing held prior to the submission of a TxCDBG application must be held after 5:00 PM on a weekday or at a convenient time on a Saturday or Sunday.
5. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City of Palacios

shall comply with the following citizen participation requirements for the preparation and submission of an application for a TxCDBG project:

At a minimum, The City of Palacios

1. shall hold at least one (1) public hearing to prior to submitting the application to the Texas Department of Agriculture.

The City of Palacios

2. shall retain documentation of the hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the proposed use

of funds for three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.

3. The public hearing shall include a discussion with citizens as outlined in the applicable TxCDBG application manual to include, but is not limited to, the development of housing and community development needs, the amount of funding available, all eligible activities under the TxCDBG program, and the use of past TxCDBG contract funds, if applicable. Citizens, with particular emphasis on persons of low- and moderate-income who are residents of slum and blight areas, shall be encouraged to submit their views and proposals regarding community development and housing needs. Citizens shall be made aware of the location where they may submit their views and proposals should they be unable to attend the public hearing.
4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City of Palacios

must comply with the following citizen participation requirements in the event that the City of Palacios receives funds from the TxCDBG program:

The City of Palacios

1. shall also hold a public hearing concerning any substantial change, as determined by TxCDBG, proposed to be made in the use of TxCDBG funds from one eligible activity to another again using the preceding notice requirements.

Upon completion of the TxCDBG project, The City of Palacios

2. shall hold a public hearing and review its program performance including the actual use of the TxCDBG funds.
3. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, for either a public hearing concerning substantial change to the TxCDBG project or for the closeout of the TxCDBG project, publish notice in both English and Spanish, or other appropriate language and provide an interpreter at the hearing to accommodate the needs of the non-English speaking residents.

The City of Palacios

4. shall retain documentation of the TxCDBG project, including hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three (3) years three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.

\_\_\_\_\_  
Signature

Linh Chau, Mayor  
Name, Title

\_\_\_\_\_  
Date



**LA CIUDAD DE CITY OF PALACIOS  
PLAN DE PARTICIPACIÓN CIUDADANA  
PROGRAMA DE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

*Nota a los receptores de subvención en relación a requisitos de Dominio Limitado del inglés:*

De acuerdo con la ley federal hay un número significativo de población que son residentes y que no hablan inglés y son afectados por el proyecto TxCDBG, estos ciudadanos deben tener "acceso significativo" a todos los aspectos del proyecto TxCDBG. Para proporcionar "acceso significativo", receptores de la subvención pueden ser utilizados para proporcionar servicios de interpretación en las audiencias públicas o proporcionar materiales no escritos en inglés que se proporcionan de manera rutinaria en inglés.

Para obtener más información, consulte LEP.gov.

**PROCEDIMIENTOS DE QUEJA**

Estos procedimientos de queja cumplen con los requisitos del Departamento de Programa de Agricultura de Texas Community Development Block Grant (TxCDBG) y los requisitos del gobierno local de Texas se encuentran en 24 CFR §570.486 (Código de Regulaciones Federales). Los ciudadanos pueden obtener una copia de estos procedimientos en La Ciudad de dirección postal City of Palacios, 311 Henderson, Palacios, TX 77465-0845, (361) 972-3605, en horario de oficina.

A continuación se presentan los procedimientos formales de quejas y quejas relativas a los servicios prestados en el marco del proyecto TxCDBG.

1. Una persona que tiene una queja o reclamación sobre cualquiera de los servicios o actividades en relación con el proyecto TxCDBG, o si se trata de una propuesta, en curso o determinado proyecto TxCDBG, pueden durante las horas regulares presentar dicha queja o reclamo, por escrito a la Mayor, a City of Palacios, 311 Henderson or P.O. Box 845, Palacios, TX 77465-0845, (361) 972-3605.
2. Una copia de la queja o reclamación se transmitirá por el alcalde a la entidad que es encargada de la queja o reclamación y al Abogado de La Ciudad dentro de los cinco (5) días hábiles siguientes a la fecha de la queja o día que la reclamación fue recibida.
3. El alcalde deberá cumplir una investigación de la queja o reclamación, si es posible, y dará una respuesta oportuna por escrito a la persona que hizo la denuncia o queja dentro de los diez (10) días.
4. Si la investigación no puede ser completada dentro de los diez (10) días hábiles anteriormente, la persona que hizo la queja o denuncia será notificada, por escrito, dentro de los quince (15) días cuando sea posible después de la entrega de la queja original o quejas y detallará cuando se deberá completar la investigación.
5. Si es necesario, la queja y una copia escrita de la investigación posterior se remitirán a la TxCDBG para su posterior revisión y comentarios.

6. Se proporcionará copias de los procedimientos de queja y las respuestas a las quejas, tanto en inglés y español, u otro lenguaje apropiado.

## ASISTENCIA TÉCNICA

Cuando lo solicite, La Ciudad proporcionará asistencia técnica a los grupos que son representantes de las personas de bajos y moderados ingresos en el desarrollo de propuestas para el uso de los fondos TxCDBG. La Ciudad, en base a las necesidades específicas de los residentes de la comunidad en el momento de la solicitud, deberá determinar el nivel y tipo de asistencia.

## DISPOSICIONES AUDIENCIA PÚBLICA

Para cada audiencia pública programada y llevada a cabo por La Ciudad, se observarán las disposiciones siguientes de audiencias públicas:

1. Aviso público de todas las audiencias deberá publicarse al menos setenta y dos (72) horas antes de la audiencia programada. El aviso público deberá publicarse en un periódico local. Cada aviso público debe incluir la fecha, hora, lugar y temas a considerar en la audiencia pública. Un artículo periodístico publicado también puede utilizarse para cumplir con este requisito, siempre y cuando cumpla con todos los requisitos de contenido y temporización. Los avisos también deben ser un lugar prominente en los edificios públicos y se distribuyen a las autoridades locales de vivienda pública y otros grupos interesados de la comunidad.
2. Cuando se tenga un número significativo de residentes que no hablan inglés serán una parte de la zona de servicio potencial del proyecto TxCDBG, documentos vitales como las comunicaciones deben ser publicados en el idioma predominante de estos ciudadanos que no hablan inglés.
3. Cada audiencia pública se llevará a cabo en un momento y lugar conveniente para los beneficiarios potenciales o reales e incluirá alojamiento para personas con discapacidad. Las personas con discapacidad deben poder asistir a las audiencias y La Ciudad debe hacer los arreglos para las personas que requieren ayudas o servicios auxiliares en caso de necesitarlo por lo menos dos días antes de la audiencia pública.
4. Una audiencia pública celebrada antes de la presentación de una solicitud TxCDBG debe hacerse después de las 5:00 pm en un día de semana o en un momento conveniente en sábado o domingo.
5. Cuando un número significativo de residentes que no hablan inglés se registra para participar en una audiencia pública, un intérprete debe estar presente para dar cabida a las necesidades de los residentes que no hablan inglés.

La Ciudad deberá cumplir con los siguientes requisitos de participación ciudadana para la elaboración y presentación de una solicitud para un proyecto TxCDBG:

1. Como mínimo, La Ciudad deberá tener por lo menos un (1) audiencia pública antes de presentar la solicitud al Departamento de Agricultura de Texas.

2. La Ciudad conservará la documentación de la convocatoria(s) audiencia, un listado de las personas que asistieron a la audiencia(s), acta de la vista(s), y cualquier otra documentación relativa a la propuesta de utilizar los fondos para tres (3) años a partir de la liquidación de la subvención para el Estado. Dichos registros se pondrán a disposición del público, de conformidad con el Capítulo 552, Código de Gobierno de Texas.
3. La audiencia pública deberá incluir una discusión con los ciudadanos como se indica en el manual correspondiente de aplicación TxCDBG, pero no se limita a, el desarrollo de las necesidades de vivienda y desarrollo comunitario, la cantidad de fondos disponibles, todas las actividades elegibles bajo el programa TxCDBG y el uso de fondos últimos contratos TxCDBG, en su caso. Los ciudadanos, con especial énfasis en las personas de bajos y moderados ingresos que son residentes de las zonas de tugurios y tizón, se fomentará a presentar sus opiniones y propuestas sobre el desarrollo de la comunidad y las necesidades de vivienda. Los ciudadanos deben ser conscientes de la ubicación en la que podrán presentar sus puntos de vista y propuestas en caso de que no pueda asistir a la audiencia pública.
4. Cuando un número significativo de residentes que no hablan inglés se registra para participar en una audiencia pública, un intérprete debe estar presente para dar cabida a las necesidades de los residentes que no hablan inglés.

La Ciudad debe cumplir con los siguientes requisitos de participación ciudadana en el caso de que La Ciudad recibe fondos del programa TxCDBG:

1. La Ciudad celebrará una audiencia pública sobre cualquier cambio sustancial, según lo determinado por TxCDBG, se propuso que se hará con el uso de fondos TxCDBG de una actividad elegible a otro utilizando de nuevo los requisitos de notificación
2. Una vez finalizado el proyecto TxCDBG, La Ciudad celebrará una audiencia pública y revisará el desempeño del programa incluyendo el uso real de los fondos TxCDBG.
3. Cuando un número significativo de residentes que no hablan inglés se puede registra para participar en una audiencia pública, ya sea para una audiencia pública sobre el cambio sustancial del proyecto TxCDBG o para la liquidación del proyecto TxCDBG, publicará un aviso en inglés y español u otro idioma apropiado y se proporcionara un intérprete en la audiencia para dar cabida a las necesidades de los residentes.
4. La Ciudad conservará la documentación del proyecto TxCDBG, incluyendo aviso de audiencia(s), un listado de las personas que asistieron a la audiencia(s), acta de la vista(s), y cualquier otro registro concerniente al uso real de los fondos por un período de a tres (3) años a partir de la liquidación del proyecto al estado.

Dichos registros se pondrán a disposición del público, de conformidad con el Capítulo 552, Código de Gobierno de Texas.

\_\_\_\_\_  
Firma/Signature

Linh Chau, Mayor  
Nombre, Título /Name, Title

\_\_\_\_\_  
Fecha/Date

## **Excessive Force Policy**

In accordance with 24 CFR 91.325(b)(6), The City of Palacios hereby adopts and will enforce the following policy with respect to the use of excessive force:

1. It is the policy of The City of Palacios to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations;
2. It is also the policy of The City of Palacios to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction; and
3. The City of Palacios will introduce and pass a resolution adopting this policy.

As officers and representatives of City of Palacios, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

\_\_\_\_\_  
Signature

Linh Chau, Mayor  
Name, Title

\_\_\_\_\_  
Date

## **Section 504 Policy Against Discrimination Based on Handicap and Grievance Procedures**

In accordance with 24 CFR Section 8, Nondiscrimination based on Handicap in federally assisted programs and activities of the Department of Housing and Urban Development, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309), City of Palacios hereby adopts the following policy and grievance procedures:

1. Discrimination prohibited. No otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development (HUD).
2. City of Palacios does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its federally assisted programs and activities.
3. City of Palacios' recruitment materials or publications shall include a statement of this policy in 1. above.
4. City of Palacios shall take continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients that it does not discriminate on the basis of handicap in violation of 24 CFR Part 8.
5. For hearing and visually impaired individuals eligible to be served or likely to be affected by the TxCDBG program, City of Palacios shall ensure that they are provided with the information necessary to understand and participate in the TxCDBG program.
6. Grievances and Complaints
  - a. Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for City of Palacios) to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
  - b. Complaints should be addressed to the Mayor, P.O. Box 845, Palacios, TX, 77465-0845 or call (361) 972-3605, who has been designated to coordinate Section 504 compliance efforts.
  - c. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
  - d. A complaint should be filed within thirty (30) working days after the complainant becomes aware of the alleged violation.
  - e. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the Mayor. Informal but thorough investigations will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

- f. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by Mayor, and a copy forwarded to the complainant with fifteen (15) working days after the filing of the complaint where practicable.

09/01/2020

- g. The Section 504 coordinator shall maintain the files and records of The City of Palacios relating to the complaint files.
- h. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the determination/resolution as described in f. above. The request for reconsideration should be made to The City of Palacios within ten working days after the receipt of the written determination/resolution.
- i. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- j. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that The City of Palacios complies with Section 504 and HUD regulations.

\_\_\_\_\_  
Signature

Linh Chau, Mayor  
Name, Title

\_\_\_\_\_  
Date

## Code of Conduct Policy of The City of Palacios

As a Grant Recipient of a TxCDBG contract, City of Palacios shall avoid, neutralize or mitigate actual or potential conflicts of interest so as to prevent an unfair competitive advantage or the existence of conflicting roles that might impair the performance of the TxCDBG contract or impact the integrity of the procurement process.

For procurement of goods and services, no employee, officer, or agent of The City of Palacios shall participate in the selection, award, or administration of a contract supported by TxCDBG funds if he or she has a real or apparent conflict of interest. Such a conflict could arise if the employee, officer or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

No officer, employee, or agent of The City of Palacios shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

Contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

For all other cases, no employee, agent, consultant, officer, or elected or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or subrecipients which are receiving TxCDBG funds, that has any CDBG function/responsibility, or is in a position to participate in a decision-making process or gain inside information, may obtain a financial interest or benefit from the TxCDBG activity.

The conflict-of-interest restrictions and procurement requirements identified herein shall apply to a benefitting business, utility provider, or other third-party entity that is receiving assistance, directly or indirectly, under a TxCDBG contract or award, or that is required to complete some or all work under the TxCDBG contract in order to meet the National Program Objective.

Any person or entity including any benefitting business, utility provider, or other third-party entity that is receiving assistance, directly or indirectly, under a TxCDBG contract or award, or that is required to complete some or all work under the TxCDBG contract in order to meet a National Program Objective, that might potentially receive benefits from TxCDBG awards may not participate in the selection, award, or administration of a contract supported by CDBG funding.

Any alleged violations of these standards of conduct shall be referred to The City of Palacios Attorney. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer; where violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.

\_\_\_\_\_  
Signature

Linh Chau, Mayor  
Name, Title

\_\_\_\_\_  
Date



*These procedures are intended to serve as guidelines for the procurement of supplies, equipment, construction services and professional services for the Texas Community Development Block Grant (TxCDBG) Program. The regulations related to conflict of interest and nepotism may be found at the Texas Government Code Chapter 573, Texas Local Government Code Chapter 171, Uniform Grant Management Standards by Texas Comptroller, 24 CFR 570.489(g) &(h), and 2 CFR 200.318*

## Fair Housing Policy

In accordance with Fair Housing Act, The City of Palacios hereby adopts the following policy with respect to the Affirmatively Furthering Fair Housing:

1. City of Palacios agrees to affirmatively further fair housing choice for all seven protected classes (race, color, religion, sex, disability, familial status, and national origin).
2. City of Palacios agrees to plan at least one activity during the contract term to affirmatively further fair housing.
3. City of Palacios will introduce and pass a resolution adopting this policy.

As officers and representatives of City of Palacios, we the undersigned have read and fully agree to this plan and become a party to the full implementation of this program.

\_\_\_\_\_  
Signature

Linh Chau, Mayor  
Name, Title

\_\_\_\_\_  
Date

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** May 19, 2022  
**Department:** Public Works  
**Subject:** Drought Contingency/Water Conservation Plan

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**BACKGROUND**

Texas Water Code Chapter 11 and Title 30 Texas Administrative Code Chapter 288 require certain entities to submit an updated Drought Contingency Plan (DCP) to the Texas Commission on Environmental Quality (TCEQ) every five years; and

The Texas Commission on Environmental Quality (TCEQ) has notified the City of Palacios that the deadline to submit an updated Drought Contingency Plan (DCP) is May 31, 2022.

**GOAL**

To approve a Drought Contingency/Water Conservation Plan for the City of Palacios

**FISCAL IMPACT**

None

**RECOMMENDATION**

Approve Resolution 2022-R-15 – Establishing a Drought Contingency/Water Conservation Plan

**ATTACHMENTS**

Resolution 2022-R-15

City of Palacios Drought Contingency/Water Conservation Plan

**RESOLUTION NO. 2022-R-15**

WHEREAS, Texas Water Code Chapter 11 and Title 30 Texas Administrative Code Chapter 288 require certain entities to submit an updated Drought Contingency Plan (DCP) to the Texas Commission on Environmental Quality (TCEQ) every five years; and

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) has notified the City of Palacios that the deadline to submit an updated Drought Contingency Plan (DCP) is May 31, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALACIOS, TEXAS THAT:

The Council adopts an updated Drought Contingency Plan entitled "Drought Contingency Plan for the City of Palacios, May 19, 2022," Exhibit A.

This Resolution shall take effect after passage and publication. Passed and approved by the City Council on the 19th day of May 2022.

\_\_\_\_\_  
Jim Gardner, Mayor

ATTEST:

\_\_\_\_\_  
David Holubec, Interim City Secretary

**DROUGHT CONTINGENCY PLAN  
FOR THE  
CITY OF PALACIOS, TEXAS**

**May 19, 2022**

**Section I: Declaration of Policy, Purpose, and Intent**

To conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, to protect and preserve public health, welfare, and safety and minimize the adverse impacts of a water supply shortage or other water supply emergency conditions, the City of Palacios hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential, and continuation of such uses during times of water shortage or other emergency water supply conditions is deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section XI of this Plan.

**Section II: Public Involvement**

The opportunity for the public to provide input into the preparation of the Plan was provided by the City of Palacios using a notice to the customers on *their monthly water bill* and a Public Notice in the Palacios Beacon, an area newspaper.

**Section III: Public Education**

The City of Palacios will periodically provide the public with information about the Plan, including the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided using utility bill inserts or public notice in the Palacios Beacon.

**Section IV: Coordination with Regional Water Planning Groups**

The service area of the City of Palacios is located within the South-Central Texas Regional Water Planning Group (Region L), and the City of Palacios has provided a copy of this Plan to SCTRWPG.

**Section V: Authorization**

The City Manager for the City of Palacios (from now on, City Manager) or their designee is hereby authorized and directed to implement the applicable provisions of this Plan upon the determination that such implementation is necessary to protect public health and safety welfare. The City Manager, or their designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

## **Section VI: Application**

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City of Palacios. The terms "person" and "customer" used in the Plan include individuals, corporations, partnerships, associations, and other legal entities.

## **Section VII: Definitions**

For this Plan, the following definitions shall apply:

**Aesthetic water use:** water used for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

**Commercial and institutional water use:** water use is integral to commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

**Conservation:** those practices, techniques, and technologies that reduce water consumption, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

**Customer:** any person, company, or organization using water supplied by the City of Palacios.

**Domestic water use:** water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or cleaning a residence, business, industry, or institution.

**Even number address:** street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

**Industrial water use:** water use in processes designed to convert materials of lower value into forms having greater usability and value.

**Landscape irrigation use:** water used to irrigate and maintain landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

**Non-essential water use:** water uses that are not essential nor required for the protection of public health, safety, and welfare, including:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan.
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicles.

- (c) use water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas.
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection.
- (e) flushing gutters or permitting water from running or accumulating in any gutter or street.
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools.
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life.
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) Use water from hydrants for construction or other purposes other than firefighting.

**Odd-numbered address:** street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

#### Section VIII: Criteria for Initiation and Termination of Drought Response Stages

The City Manager or their designee shall monitor water supply and demand conditions daily and shall determine when conditions warrant initiation or termination of each stage of the Plan, which is when the specified "triggers" are reached.

The triggering criteria described below are based on information provided to the City of Palacios by the Utilities Director, who will monitor the tank levels, gallons pumped, and current local conditions.

#### **Stage 1 Triggers -- Mild Water Shortage Conditions**

### **Requirements for initiation**

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII - Definitions, when the City of Palacios has recorded an excess of 450,000 gallons per day and tanks' inability to refill to the full status from 2/3 full in a prescribed timeframe.

### **Requirements for termination**

Stage 1 of the Plan may be rescinded upon notification by the Utilities Manager that gallons pumped have leveled to normal conditions and tanks have refilled in a timely manner.

### **Stage 2 Triggers -- Moderate Water Shortage Conditions**

#### **Requirements for initiation**

Customers shall comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when the City of Palacios has recorded an excess of 650,000 gallons pumped and tanks' inability to refill to the full status from 1/2 full in a prescribed timeframe.

#### **Requirements for termination**

Stage 2 of the Plan may be rescinded upon notification by the Utilities Manager that gallons pumped have leveled to normal conditions and tanks have been refilled in a timely manner.

### **Stage 3 Triggers -- Severe Water Shortage Conditions**

#### **Requirements for initiation**

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when Stage 1 and Stage 2 conditions are active and in addition:

The City of Palacios has recorded an excess of 850,000 gallons pumped and tanks' inability to refill to the full status from 1/4 full in a prescribed timeframe.

#### **Requirements for termination**



Stage 3 of the Plan may be rescinded upon notification by the Utilities Manager that gallons pumped have leveled to normal conditions and tanks have been refilled in a timely manner. Stage 2 conditions go into effect upon termination of Stage 3.

#### **Stage 4 Triggers -- Critical Water Shortage Conditions**

##### **Requirements for initiation**

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when Stage 3 conditions are active.

The initiation of Stage 4 will also depend on:

Excess of 950,000 gallons pumped and tank inability to refill from empty status after 12 hours of pumping.

##### **Requirements for termination**

Stage 4 of the Plan may be rescinded upon notification by the Utilities Manager that gallons pumped have leveled to normal conditions and tanks have been refilled in a timely manner.

Upon termination of Stage 4, Stage 3 becomes operative.

#### **Stage 5 Triggers -- Emergency Water Shortage Conditions**

##### **Requirements for initiation**

Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when the City Manager, or their designee, determines that a water supply emergency exists based on:

Significant water line breaks or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or Natural or man-made contamination of the water supply source(s).

##### **Requirements for termination**

Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for three consecutive days.

#### **Stage 6 Triggers – Water Allocation**

##### **Requirements for initiation**

In accordance with TCEQ/TWDB Drought Contingency Planning Handbook guidelines, a water allocation policy is not required for any system that will not, based upon historical analysis, experience a water supply shortage during the drought of record.

## **Section IX: Drought Response Stages**

The City Manager, or their designee, shall monitor water supply and demand conditions daily and, in accordance with the triggering criteria outlined in Section VIII of this Plan, shall determine whether a mild, moderate, severe, critical, emergency, or water shortage condition exists and shall implement the following notification procedures:

### **Notification**

Notification of the Public:

The City Manager or their designee shall notify the public using: Publication in

- the local newspaper
- Public service announcements
- Postings on the City Web Pages

Additional Notification:

The City Manager or their designee shall notify directly, or cause to be notified directly, the following individuals and entities:

- Mayor and members of the City Council
- Fire Chief
- County Judge & Commissioner(s)
- TCEQ Corpus Christi Regional Office
- Major water customers

### **Stage 1 Response -- Mild Water Shortage Conditions**

**Goal:** Achieve a voluntary 10% percent reduction in total water use.

#### **Supply Management Measures:**

Reduced flushing of water mains.

#### **Voluntary Water Use Restrictions:**

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6, or 8), and Saturdays and Wednesdays for water customers with a

Street address ending in an odd number (1, 3, 5, 7, or 9) and irrigate landscapes only between midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.

- (b) All operations of the City of Palacios shall adhere to the same water use restrictions.
- (c) Water customers are requested to practice water conservation and minimize or discontinue water use for non-essential purposes.

### **Stage 2 Response --Moderate Water Shortage Conditions**

**Goal:** Achieve a 15% reduction in total domestic water use.

#### **Supply Management Measures:**

See Stage I. Also reduced irrigation of public landscaped areas.

**Water Use Restrictions.** Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6, or 8). Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7, or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted using a hand-held hose, a faucet-filled bucket, or watering can consist of five (5) gallons or less or a drip irrigation system.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other car is prohibited except on designated watering days between 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done on the immediate premises of a commercial car wash or commercial service station. Washing may be exempted from these regulations if the public's health, safety, and welfare are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- (c) Use of water to fill, refill or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days between 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.

- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under a special permit from the City of Palacios.
- (f) Use of water to irrigate golf course greens, tees, and fairways is prohibited except on designated watering days between 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than the City of Palacios, the facility shall not be subject to these regulations.
- (g) All restaurants are prohibited from serving water to patrons except upon the patron's request.
- (h) The following uses of water are defined as non-essential and are prohibited:
  1. Wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas.
  2. Use of water to wash down buildings or structures for purposes other than immediate fire protection.
  3. Use of water for dust control.
  4. Flushing gutters or permitting water to run or accumulate in any drain or street; and
  5. Failure to repair a controllable leak(s) within a reasonable period after being given notice directing the repair of such leak(s).

**Stage 3 Response -- Severe Water Shortage Conditions Goal:**

Achieve a 20% reduction in total domestic water use. **Supply**

**Management Measures:**

See Stage 2. Eliminate the flushing of all water mains except for decontamination purposes, discontinue irrigation of public landscaped areas, and all water used for street sweeping.

**Water Use Restrictions.** All requirements of Stage 2 shall remain in effect during Stage 3 except:

- (a) Irrigation of landscaped areas shall be limited to designated watering days between 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. It shall be utilizing hand-held hoses, hand-held buckets, drip irrigation, or a permanently installed automatic sprinkler system. The use of hose-end sprinklers is prohibited at all times.

- (b) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the City of Palacios.
- (c) Water use for construction purposes from designated fire hydrants under the special permit will be discontinued.

**Stage 4 Response -- Critical Water Shortage Conditions Goal:**

Achieve a 20% reduction in total water use.

**Supply Management Measures:**

See Stage 3. Upon implementation of Stage 4, the City of Palacios, upon having issued written notice, will disconnect the water services of willful violators if necessary to prevent the deliberate wasting of water.

**Water Use Restrictions.** All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- (a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be utilizing hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems is prohibited.
- (b) Using water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicles not on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, etc., and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur between 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10 p.m.
- (c) Filling or adding water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) No application shall be approved for new, additional, expanded, or increased-in-size water service connections, meters, lines, pipeline extensions, mains, or water service facilities. Time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

**Stage 5 Response -- Emergency Water Shortage Conditions Goal:**

Achieve a 50% reduction in total water use.

**Supply Management Measures:**

See Stage 4. Notify the Palacios Volunteer Fire Department and Matagorda County Emergency Management Coordinator. Contact the top 10 water customers and coordinate water usage per their individual needs.

**Water Use Restrictions.** All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:

- (a) Irrigation of landscaped areas is prohibited.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other car is prohibited.

**Stage 6 Response – Water Allocation**

If water shortage conditions threaten public health, safety, and welfare, the City Manager is hereby authorized to allocate water according to the following water allocation plan:

**Single-Family Residential Customers**

The allocation to residential water customers residing in a single-family dwelling shall be as follows:

<b>Persons per Household</b>	<b>Gallons per Month</b>
1 or 2	6,000
3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

*"Household"* means the residential premises served by the customer's meter. "Persons per household" includes only those persons currently physically residing at the premises and expected to live there for the entire billing period. It shall be assumed that a particular customer's household comprises two (2) persons unless the customer notifies the City of Palacios of a more significant number of persons per household on a form prescribed by the City Manager. The City Manager shall give their best effort to see that such documents are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the

City of Palacios offices to complete and sign the form claiming more than two (2) persons per household. New customers may claim more persons per household when applying for water service on the form prescribed by the City Manager. When the number of persons per household increases to place the customer in a different allocation category, the customer may notify the City of Palacios on such form. The change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the City of Palacios in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the City Manager shall adopt procedures to ensure the claim's accuracy. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify the City of Palacios of reducing the number of people in a home shall be two hundred dollars (\$200.00).

**Residential water customers shall pay the following surcharges:**

Up to the threshold amounts, the monthly bill will usually be calculated. Over and above the threshold amounts indicated above, an additional 50% will be calculated for the current block rate (the amount typically paid per one thousand gallons for all water used above the monthly minimum) per thousand-gallon increment.

Surcharges shall be cumulative.

**Master-Metered Multi-Family Residential Customers**

The allocation to a customer billed from a master meter that jointly measures water to multiple permanent residential dwelling units (e.g., apartments, mobile homes) shall be 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units unless the customer notifies the City of Palacios of a more significant number as prescribed by the City Manager. The City Manager shall give their best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the City of Palacios offices to complete and sign the form claiming more than two (2) dwellings. A dwelling unit may be claimed under this provision whether it is occupied. New customers may claim more dwelling units when applying for water service on the form prescribed by the City Manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the City of Palacios in writing within two (2) days. In prescribing the method for claiming more than two (2) dwelling units, the City Manager shall adopt procedures to ensure the claim's accuracy. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the City of Palacios of a reduction in the number of dwelling units served by a master meter shall be fined two hundred dollars (\$200.00).

Customers billed from a master meter under this provision shall pay the following monthly surcharges:

The monthly bill will usually be calculated up to the threshold amounts (six thousand gallons/month/dwelling unit). Over and above the threshold amounts, an additional 50% will be calculated for the current block rate (the amount typically paid per one thousand gallons for all water used above the monthly minimum) per thousand-gallon increment.

Surcharges shall be cumulative.

### **Commercial Customers**

The City Manager, or their designee, shall establish a monthly water allocation for each non-residential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 75% of the customer's usage for the corresponding month's billing period for the previous 12 months. Suppose the customer's billing history is shorter than 12 months. In that case, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists, but in any case, not less than six thousand gallons per month. The City Manager shall give their best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notification, it shall be the customer's responsibility to contact the City of Palacios to determine the allocation. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if (1) the designated period does not accurately reflect the customer's average water usage, (2) one non-residential customer agrees to transfer part of its allocation to another non-residential customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Manager.

Non-residential commercial customers shall pay the following surcharges:

The monthly bill will generally be calculated up to the threshold amounts. Over and above the threshold amounts, an additional 50% will be calculated for the current block rate (the amount typically paid per one thousand (1,000) gallons for all water used above the monthly minimum) per thousand-gallon increment.

The surcharges shall be cumulative.

### **Industrial Customers**

The City Manager, or their designee, shall establish a monthly water allocation for each industrial customer who uses water for processing purposes. The industrial customer's allocation shall be approximately 90% percent of the customer's water usage baseline. Ninety (90) days after the initial imposition of the allocation for industrial customers, the industrial customer's allocation shall be further reduced to 80% percent of the customer's water usage baseline. The industrial customer's water use baseline will be computed on the average water use for the 12 months before the implementation date of Stage 2 of the Plan. Suppose the industrial water customer's billing history is shorter than 12 months. In that case, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists.



The City Manager shall give their best effort to see that notice of each industrial customer's allocation is mailed to such customer. If, however, a customer does not receive such notification, it shall be the customer's responsibility to contact the City of Palacios to determine the allocation. The allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased (1) if the designated period does not accurately reflect the customer's normal water use because the customer had shut down a significant processing unit for repair or overhaul during the period,

(2) the customer has added or is in the process of adding significant additional processing capacity, (3) the customer has shut down or significantly reduced the production of a major processing unit, (4) the customer has previously implemented necessary permanent water conservation measures such that the ability to reduce water use further is limited, (5) the customer agrees to transfer part of its allocation to another industrial customer, or (6) if other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Manager.

Industrial customers shall pay the following surcharges:

The monthly bill will be calculated normally up to the threshold amounts. Over and above the threshold amounts, an additional 50% will be calculated for the current block rate (the amount typically paid per 1000 gallons for all water used above the monthly minimum) per thousand-gallon increment.

The surcharges shall be cumulative.

#### **Section X: Enforcement**

- (a) No person shall knowingly or intentionally allow the use of water from the **City of Palacios** for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan or any amount over that permitted by the drought response stage in effect at the time according to action taken by the City Manager, or their designee, in accordance with provisions of this Plan.
- (b) Any person who violates this Plan is guilty of a misdemeanor and shall be punished by a fine of two hundred dollars (\$200) upon conviction. Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. Suppose a person is convicted of three or more distinct violations of this Plan. In that case, the City Manager shall be authorized to discontinue water service to the premises where such breaches occur upon due notice to the customer. Services concluded under such circumstances shall be restored only upon payment of a re-connection charge, as indicated in the City of Palacios Water Rates and Service Ordinance, and any other costs incurred by the City of Palacios in discontinuing service. In addition, suitable assurance must be given to the City Manager that the same action shall not

Be repeated while the Plan is in effect. Compliance with this Plan may also be sought through injunctive relief in the district court.

- (c) Any person, including a person classified as a water customer of the City of Palacios, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator. Proof that the violation occurred on the person's property shall constitute the presumption that the person in apparent control of the property committed the offense. Still, any such person shall have the right to show that they did not commit the violation. Parents shall be presumed to be responsible for breaches of their minor children. Proof that a violation committed by a child occurred on the property within the parents' control shall constitute a rebuttable presumption that the parent committed the offense. Still, any such parent may be excused if they prove that they had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the breach.
- (d) Any City of Palacios police officer employee, or other individual designated by the City Manager, may issue a citation to a person they reasonably believe to violate this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct them to appear in municipal court on the date shown on the citation, for which the date shall not be less than three days nor more than five days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for violating this Plan. If the alleged violator fails to appear in municipal court, a warrant may be issued for their arrest. A summons to appear may be issued in place of an arrest warrant. These cases shall be expedited and given a preferential setting in municipal court before all other cases.

#### **Section XI: Variances**

The City Manager or their designee may, in writing, grant the temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to give such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other conditions for which the Plan is in effect.
- (b) Alternative methods can be implemented to achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City of Palacios within five days after the Plan, or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager or their designee and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner requests relief.
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if the petitioner complies with this Ordinance.
- (e) Description of the relief requested.
- (f) Time for which the variance is sought.
- (g) Alternative water uses restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.

Variances granted by the City of Palacios shall be subject to the following conditions unless waived or modified by the City Manager or their designee:

- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted shall expire when the Plan is no longer in effect unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring before the issuance of the variance.

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** May 19, 2022  
**Department:** PEDC  
**Subject:** Maintenance of front of the PEDC Building

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**BACKGROUND**

No maintenance has been done to the front of the building for 10 plus years. Leaks occur around the windows during heavy rains. Awning leaks due to worn materials and tears.

**GOAL**

To improve the façade and look of the EDC and Chamber Building as well as repair the leaks. A more professional appearance will attract professionalism.

**FISCAL IMPACT**

\$39,200

**RECOMMENDATION**

PEDC recommends approval of the expenditure and transfer of funds to pay for the project.

**ATTACHMENTS**

Bids, Plans, and Resolution

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** May 19, 2022  
**Department:** City Treasurer  
**Subject:** Mid-Year Budget Adjustments

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**BACKGROUND**

The City of Palacios does budget adjustments twice a year as needed. This year Animal Control was moved to Police Department and EDC received a loan last year that was not paid out until this year. Money is being moved around between departments to cover all expenses. No additional money is being asked for.

**GOALS**

The goal of budget adjustments is to make sure that all accounts are reported properly and in the correct departments and line items.

**FISCAL IMPACT**

There is no impact to the City of Palacios for these budget adjustments as we are moving items from one department to another department.

**RECOMMENDATION**

Staff recommends that the city approve attached budget adjustments and authorize Finance/Human Resource Director to make said adjustments.

**ATTACHMENT**

See attached Budget Adjustment Justification, Budget Adjustment Line Item Transfer and Ordinance 2022-O-6.

**ORDINANCE NO 2022-O-06**

AN ORDINANCE OF THE CITY OF PALACIOS, TEXAS REVISING  
BUDGETED LINE ITEMS WHICH SHALL SUPERSEDE ALL PREVIOUSLY  
ADOPTED ORDINANCES AND AMENDMENTS

\*\*\*\*\*

WHEREAS, the City Council has determined that there is a need to adjust certain line items in the 2021-2022 budget due to changed circumstances; and

WHEREAS, the budget requires amendment to reallocate funds due to unforeseen changes in revenue and expenditures; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALACIOS TEXAS,

SECTION 1. That the appropriation for the fiscal year beginning October 1, 2021, and ending September 30, 2022, of the different departments and purposes of the City of Palacios is amended to read as follows as to the listed line items:

**GENERAL FUND**

		Increase	Decrease
<b>Administration</b>			
Salaries and Wages	01 12-05000	\$ 4,355.35	
Auto Allowance	01 12-05020		\$ 6,000
Cell Phone Allowance	01 12-05021		\$ 2,375
Office Equipment	01 12-05500	\$ 6,000	
Supplies	01 12-05050	\$ 2,375	
<b>Legal Department</b>			
Contractual Services	01 15-05300	\$ 13,000	
<b>Police Department</b>			
Salaries and Wages	01 20-05000	\$ 14,996.18	
Supplies	01 20-05050	\$ 780	
Maint. Building	01 20-05160	\$ 375	
Electricity	01 20-05260	\$ 400	
Retirement	01 20-05740	\$ 300	
<b>Streets</b>			
Other - Capital Outlay	01 43-05530		\$ 13,000
<b>Animal Control</b>			
Salaries	01 55-05300		\$ 14,996.18
Supplies	01 55-05050		\$ 255
Dog/Cat Food	01 55-05051		\$ 425
Chemicals	01 55-05070		\$ 100
Maint. Building	01 55-05160		\$ 375
Electricity	01 55-05260		\$ 400
Retirement	01 55-05740		\$ 300
		-	<b><u>\$ 4,355.35</u></b>
		-	-
		-	-
<b>WATER FUND</b>			
		-	-
<b>Water</b>			
Salaries and Wages	02 22-05000	\$ 80,500	-
		-	-
<b>Sewer</b>			
Salaries and Wages	02 23-05000	\$ 5,750	-

**Special Items**

Prop, Gl, Wind Insurance	02 25-05750		\$ 5,750
Hazard Mitigation Match	02 25-05765		\$ 28,000
CDBG Match	02 25-05772		\$ 52,500
			<u>\$ -</u>

**AIRPORT FUND****Airport**

Aviation Fuel & Oil	04 41-05100		\$ 10,000
Maint-Buildings	04 41-05160	\$ 10,000	
			<u>\$ -</u>

**ECONOMIC DEV CORP****Revenues**

Transfer from Fund Balance	28-04074		\$ 235,000
Construction in Progress	28-01570	\$ 235,000	-
			-
<b>Economic Dev Corp</b>			-
Sewer Project Payments	28-05371	\$ 235,000	
			<u>\$ -</u>

**TEMAP****Revenues**

Misc. Revenue	39-04710		\$ 4,355.35
			<u>\$(4,355.35)</u>

**AMERICAN RESCUE FUND****ARP**

Wages	40 40-05000	\$130,864.16	
Supplies	40 40-05050	\$ 15,432.49	
Misc. Expense - Ad	40 40-05430	\$ 63.75	
Payments to Contractors	40 40-05464		\$156,371.50
Social Security	40 40-05700	\$ 10,011.10	
			<u>\$ -</u>

SECTION 2. That the budget amendments above be made in accordance with the Budget of the City Manager as revised by the City Council, and in accordance with the provisions in the State of Texas and adopted by the City Council, which Budget is made a part of this ordinance by reference thereto and shall be considered in connection with the expenditure of the above appropriations.

SECTION 3. If any provisions, section, exception, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and to this end all provisions of this ordinance are declared to be severable.

SECTION 4. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 5. That this Ordinance shall take effect and be in full force and effect from and after that date of its passage and publication as required by the laws of the State of Texas.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Palacios, Texas upon one reading this 28<sup>th</sup> day of April, 2022.

CITY OF PALACIOS, TEXAS

\_\_\_\_\_  
JIM GARDNER, Mayor

ATTEST:

\_\_\_\_\_  
DAVID HOLUBEC, Interim City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
ANNE MARIE ODEFY, City Attorney



**EXECUTIVE SUMMARY NARRATIVE OF**  
**CITY OF PALACIOS FINANCIAL STATUS**  
**FOR MARCH 2022**

The financial status for the City of Palacios for March 2022 is wonderful. Most of the departments are staying within their budget and will not need to do any budget adjustments.

Problem: There are three departments who are over their budget.

- Legal Department is over budget due to hiring a new City Attorney who is present at every Council meeting.
- Economic Development is over budget due to not accounting for their loan last year and expenses this year.
- Animal Control has been moved to Police Department.

Solution:

- \$10,000 will be moved from the Streets – Capital Outlay budget to the Legal Department budget.
- We will add the loan into the EDC budget as a revenue and expense which will offset one another and balance their budget.
- An adjustment will be made for Animal Control in order to move the remainder of the budget to the Police Department budget.

Next Key Steps:

- City manager will continue to confidently reorganize the structure of several departments due to not being at full staff for almost 6 months. A Grant Administrator, City Secretary, City Marshal, Public Works Laborer, and a part-time Admin Assistant for Public Works are currently being advertised for our offices.
- Changes have and will continue to increase employee productivity and allow more opportunities for our departments to move forward with many projects that have been put on hold due to lack of time and employees.

Summary:

- City Manager continues to instruct staff on updating procedures, policies, transparency, etc. as needed.
- Budget to date is in terrific financial status and we continue to watch the budget to make sure we stay on task for the entire year

## BUDGET ADJUSTMENT JUSTIFICATION FORM

1. EDC received a loan in 20-21 of \$235,050. for the Hwy 35 Sewer Project. Money will be moved from fund balance to cover the expenditures in the 21-22 year for the Hwy 35 Sewer Project. See #29, 30 and 31
2. City received administration reimbursement for the Texas Emergency Mortgage Assistance Program Misc. Revenue (39 04710) which is being moved to General Fund in the amount of \$4,355.35. See #3
3. City received administration reimbursement for TEMAP in the amount of \$4,355.35 which is being moved to General Fund Administration – Salaries and Wages (01 12-05000). This will increase this budget line item. See #2.
4. Administration – Auto Allowance (01 12-05020) is not being utilized and will be decreased by \$6,000. See #6
5. Administration – Cell Phone Allowance (01 12-05021) is not being utilized and will be decreased by \$2,375. See #7
6. Administration - Office Equipment (01 12-05500) will be increased by \$6,000 to pay for the network cabinet for safety of our servers. See #4
7. Administration – Supplies (01 12-05050) will be increased by \$2,375 to cover supply expenses. See #5
8. Legal Department – Contractual Services (01 15-05300) is over budget due to a new City Attorney. We are increasing the budget by \$13,000. See #14
9. Animal Control was moved to Police Department so we are Increasing salary and wages (01 20-05000) in Police Department by \$14,996.18 which will be transferred from Animal Control. See #15
10. Animal Control was moved to Police Department so we are Increasing supplies (01 20-05050) in Police Department by \$780 which will be transferred from Animal Control. See #16, 17, &18
11. Animal Control was moved to Police Department so we are Increasing Maint-Building (01 20-05160) in Police Department by \$375 which will be transferred from Animal Control. See #19
12. Animal Control was moved to Police Department so we are Increasing Electricity (01 20-05260) in Police Department by \$400 which will be transferred from Animal Control. See #20
13. Animal Control was moved to Police Department so we are Increasing Retirement (01 20-05740) in Police Department by \$300 which will be transferred from Animal Control. See #21
14. Streets Other-Capital Outlay (01 43-05530) has additional money due to purchase of equipment under this budget line item so we are decreasing this budget by \$13,000. See #8
15. Animal Control was moved to Police Department so we are decreasing salary and wages (01 55-05000) in Animal Control by \$14,966.18 which will be transferred to Police Department. See #9
16. Animal Control was moved to Police Department so we are decreasing supplies (01 55-05050) in Animal Control by \$255 which will be transferred to Police Department. See #10
17. Animal Control was moved to Police Department so we are decreasing Dog/Cat Food (01 55-05051) in Animal Control by \$425 which will be transferred to Police Department. See #10

18. Animal Control was moved to Police Department so we are decreasing Chemicals (01 55-05070) in Animal Control by \$100 which will be transferred to Police Department. See #10
19. Animal Control was moved to Police Department so we are decreasing Maint Bulding (01 55-05160) in Animal Control by \$375 which will be transferred to Police Department. See #11
20. Animal Control was moved to Police Department so we are decreasing Electricity (01 55-05260) in Animal Control by \$400 which will be transferred to Police Department. See #12
21. Animal Control was moved to Police Department so we are decreasing retirement (01 55-05740) in Animal Control by \$300 which will be transferred to Police Department. See #13
22. Water – Salaries and Wages (02 22-05000) is being increased by \$80,500 to cover salaries for remainder of year for an Administrative Assistant, a Grant Project Manager and a Parks and Recreation Supervisor. See#25 and 26
23. Sewer – Salaries and Wages (02 23-05000) is being increased by \$5,750. See#24
24. Water Special Items - Prop, GL, Wind Insurance (02 25-05750) is under budget so we are lowering \$5,750 and moving to the Sewer department. See #23
25. Water Special Items – Hazard Mitigation Match (02 25-05765) will not be used this year so we are moving to Water department. See #22
26. Water Special Items – CDBG Match (02 25-05772) will not be used this year so we are moving to Water department. See #22
27. Airport - Aviation Fuel & Oil (04 41-05100) has not been used to date so we are moving \$10,000 to Maint-Buildings. See#28
28. Airport – Maint-Buildings (04 41-05160) is being increased by \$10,000 in order to cover the hangar repairs. See #27
29. EDC – Transfer from Fund Balance (28 04074) is being done for \$235,050 in order to show the loan received in 20-21 budget year. See#30 and 31
30. EDC – Construction in Progress (28 01570) is where the fund balance will be transferred to in order to show loan. See#29 and 31
31. EDC – Sewer Project Payments (28 28-05371) will be increased by \$235,050 in order to account for expenses paid on this project. See #29 and 30
32. ARP – Wages (40 40-05000) will be increased \$130,964.16 to show premium pay to employees. See #35
33. ARP – Supplies (40 40-05050) will be increased by \$15,432.49 to show park upgrade expenses. See #35
34. ARP – Misc. Expense (40 40-05430) will be increased by \$63.75 to show ad expense. See #35
35. ARP – Payments to Contractors (40 40-05464) will be decreased by \$156,371.50 to cover other ARP expenses. See#32, 33, 34 and 36
36. ARP – Social Security (40 40-05700) will be increased by \$10,011.10 to cover premium pay. See #35

# Palacios Economic Development Corporation

*City by the Sea*



420 Main Palacios, Texas 77465 (361) 972-3729

[www.palacios.org](http://www.palacios.org) [copedc@tisd.net](mailto:copedc@tisd.net)

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April 21, 2022

Mayor Chau and City Council Members  
City of Palacios

Due to an unprecedented level of grant applications to the PEDC from businesses in the City of Palacios, the PEDC Board voted unanimously to request that the City Council amend the PEDC FY 2022 Budget as follows:

- 1) Increase the amount budgeted for Bert West grants by \$5,000.00. From \$20,000.00 to \$25,000.00
- 2) Increase the amount budgeted for facade grants by \$5,000.00. From \$10,000.00 to \$15,000.00.

We anticipate request further budget amendments in the remainder of FY 2022 for additional grants to business applicants in the City of Palacios.

Respectfully Submitted,

Robert H. Van Borssum, Board Chair  
Palacios Economic Development Corporation

**Department Budget Line Item Transfer**

Date of Request: 04/28/2022
Requested by: Tammy McDonald
Department: Multiple

Transfer to Line Item				
Line item Description	Account Number	Current FY 21-22 Budget	Amount Increased	New Line Item Budget
CONSTRUCTION IN PROGRESS	28 01570	\$0	\$235,050	\$235,050
GRANT REVENUE - RECYCLE GRANT	45 04125	\$0	\$49,694	\$49,694
<b>REVENUE TOTAL</b>			<b>\$284,744</b>	<b>Total REV Increased</b>
SALARIES AND WAGES	01 12-05000	\$380,000	\$4,355.35	\$384,355.35
OFFICE EQUIPMENT	01 12-05500	\$1,000	\$6,000	\$7,000
SUPPLIES	01 12-05050	\$3,000	\$2,375	\$5,375
CONTRACTUAL SERVICES	01 15-05300	\$5,000	\$13,000	\$18,000
SALARIES AND WAGES	01 20-05000	\$710,000	\$14,996.18	\$724,996.18
SUPPLIES	01 20-05050	\$3,500	\$780	\$4,280
MAINT BUILDING	01 20-05160	\$800	\$375	\$1,175
ELECTRICITY	01 20-05260	\$3,000	\$400	\$3,400
RETIREMENT	01 20-05740	\$115,000	\$300	\$115,300
SALARIES AND WAGES	02 22-05000	\$313,500	\$80,500	\$394,000
SALARIES AND WAGES	02 23-05000	\$37,500	\$5,750	\$43,250
MAINT-BUILDINGS	04 41-05160	\$1,000	\$10,000	\$11,000
SEWER PROJECT PAYMENTS	28 28-05371	\$0	\$235,050.00	\$235,050
WAGES	40 40-05000	\$0	\$130,864.16	\$130,864.16
SUPPLIES	40 40-05050	\$0	\$15,432.49	\$15,432.49
MISC. EXPENSE - AD	40 40-05430	\$0	\$63.75	\$63.75
SOCIAL SECURITY	40 40-05700	\$0	\$10,011.10	\$10,011.10
PAYMENTS TO CONTRACTORS	45 45-05464	\$0	\$49,064	\$49,064.0
<b>EXPENSES TOTAL</b>			<b>\$579,317</b>	<b>TOTAL EXP INCREASED</b>
			<b>-\$294,573</b>	<b>Total REV Increased</b>
Transfer from Line Item				
Line item Description	Account Number	Current FY 20-21 Budget	Amount Decreased	New Line Item Budget
AUTO ALLOWANCE	01 12-05020	\$ 6,000	\$ 6,000	\$ -
CELL PHONE ALLOWANCE	01 12-05021	\$ 2,900	\$ 2,375	\$ 525
OTHER-CAPITAL OUTLAY	01 43-05530	\$ 243,000	\$ 13,000	\$ 230,000
SALARIES	01 55-05300	\$33,000	\$14,996.18	\$18,003.82
SUPPLIES	01 55-05050	\$2,000	\$255	\$1,745
DOG/CAT FOOD	01 55-05051	\$500	\$425	\$75
CHEMICALS	01 55-05070	\$100	\$100	\$0
MAINT BUILDING	01 55-05160	\$500	\$375	\$125
ELECTRICITY	01 55-05260	\$1,000	\$400	\$600
RETIREMENT	01 55-05740	\$5,600	\$300	\$5,300
PROP, GL, WIND INSURANCE	02 25-05750	\$25,000	\$5,750	\$19,250
HAZARD MITIGATION MATCH	02 25-05765	\$28,000	\$28,000	\$0
CDBG MATCH	02 25-05772	\$52,500	\$52,500	\$0
AVIATION FUEL & OIL	04 41-05100	\$17,000	\$10,000	\$7,000
FUND BALANCE	28 04074	\$0	\$235,050	-\$235,050
MISC REVENUE-TEMAP	39 04710	\$28,000	\$4,355.35	\$23,644.65
PAYMENTS TO CONTRACTORS	40-05464	\$1,132,322.00	\$156,371.50	\$975,950.50
			<b>\$530,253</b>	<b>Total EXP Decreased</b>
			<b>\$0</b>	<b>No TRANSFER NEEDED</b>
<b>Justification for line item transfer: (Net transfers = 0.00)</b>				
04/28/22 Adjustments to Budget Mid Year				
See attached Justification				

Approved by: \_\_\_\_\_ Date \_\_\_\_\_

City Manager

Entered in system: \_\_\_\_\_ Date \_\_\_\_\_

Finance Department

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** May 19, 2022  
**Department:** City Manager  
**Subject:** Ambulatory Care

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**BACKGROUND**

The City of Palacios has an Ordinance in place for Ambulatory care; however, it is specifically written for emergency care and allows for only one provider. The City needs to have non-emergent care transport. This ordinance allows for this addition to be allowed within the City.

**GOAL**

To approve the Ordinance 2022-O-07 Ambulatory Care adding non-emergent transport to the codes and providing an effective date. This will also provide the City Manager with the ability to write a letter allowing said services within the City.

**FISCAL IMPACT**

None

**RECOMMENDATION**

Staff recommends approval of Ordinance 2022-O-07 on first reading.

**ATTACHMENT**

Ordinance(redlined) 2022-O-07

ORDINANCE NO. 2022-O-7

ORDINANCE AMENDING THE CITY CODE OF ORDINANCES CHAPTER 6 “HEALTH AND SANITATION”; ARTICLE 6.02 (“AMBULANCES”); ADDING TO SECTION 6.02.001 PURPOSE, 6.02.002, DEFINITIONS AND 6.02.003 AUTHORITY TO OPERATE; EXCEPTIONS; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Be it Ordained by the City Council of the City of Palacios that the following amendments are adopted as Amendments to Chapter 6; Article 6.02 of the Code of Ordinances.

**Section One.** The following additions are to be made to Chapter 6, Article 6.02 of the Code of Ordinances. All additions are shown as such.

**Sec. 6.02.001 Purpose**

Add: (3) To provide for non-emergent ambulance service providers in the City of Palacios.

**Sec. 6.02.002. Definitions**

Add the areas shown in red:

The following words and phrases as used in this article, unless a different meaning is plainly required by the context, shall have the following meanings:

Ambulance. Any motor vehicle that is specially designed or constructed and equipped or used for the transportation of patients, excluding a helicopter, aircraft or wheelchair van.

Ambulance service contractor. That entity which is currently under contract with both the city and county pursuant to the interlocal agreement to provide **exclusive emergency** ambulance services in the area covered by the interlocal agreement.

**Ambulatory care service means a non-emergent medical service performed on an outpatient basis.**

Person. Any individual, firm, partnership, association, corporation, governmental entity, or other group or combination acting as a unit.

Regulated service area. The corporate limits of the city.

**Sec. 6.02.003 Authority to operate; exceptions; violations declared nuisance; selection of contractor**

- (a) No person shall operate or cause to be operated a motor vehicle for ambulance purposes nor furnish, conduct, maintain, advertise or otherwise be engaged in the business or service of the transportation of ambulance patients within the regulated service area unless such person is the ambulance service contractor **or an ambulatory care service** as defined herein. No person shall knowingly solicit ambulance services regulated herein except from the ambulance service contractor.
- (b) This article shall not apply to any ambulance or ambulance service provider:
  - (1) Rendering assistance to patients in the case of a major catastrophe or emergency in which the contractor's ambulances are insufficient or unable to handle;
  - (2) Transporting a patient who is picked up from a location beyond the regulated service area and transported to a location within the regulated service;
  - (3) Transporting a patient who is picked up from a location beyond the regulated service area and transported to a location beyond the limits of the regulated service area and is only incidentally passing through the regulated service area;
  - (4) Transporting a patient who is picked up from a location within the regulated service area and transported to a location beyond the regulated service area, providing said ambulance or ambulance service initially transported said patient in the regulated service area and is making the return trip; or
  - (5) **Transporting a patient who is picked up from a location within the regulated service area and transported by a non-emergent EMS Company operating as a BLS Non-911.**
- (~~5~~ 6) Providing stand-by special events coverage without receiving compensation.

**Section Two. Cumulative and Conflicts.** This Ordinance shall be cumulative of all provisions of ordinances of the City of Palacios, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

**Section Three. Severability.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**Section Four. Effective Date.** This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.



Approved First Reading on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
\_\_\_\_\_, Mayor  
City of Palacios

Approved Second Reading and PASSED AND APPROVED on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
\_\_\_\_\_, City Secretary  
City of Palacios

\_\_\_\_\_  
Anne Marie Odefey, City Attorney

**Council Member:**                      **Voted Aye**                      **Voted No**                      **Absent**

Mayor

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

# PROCLAMATION

## Human Resources Department

**WHEREAS**, The Human Resources department is instrumental in recruiting, selecting, resourcing, and retaining quality staff in support of providing an excellent workforce for the City of Palacios, Texas; and

**WHEREAS**, Human Resources plays a key role in fostering satisfaction and loyalty among employees by allowing for professional growth and development and keeping employees informed about policies, working conditions, compensation and benefits; and

**WHEREAS**, The Human Resources Department is a respected part of the City of Palacios Team that sustains the City's most important asset...its PEOPLE; and

**THEREFORE**, the City of Palacios City Council does hereby resolve that May 20<sup>th</sup>, 2022 is Human Resources Department Day throughout the City.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Palacios, Texas, this the 19<sup>th</sup>, day of May 2022.

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Jim Gardner, MAYOR

# PROCLAMATION

## Police Department

**WHEREAS**, our law enforcement agencies play an essential role in safeguarding the rights and freedoms which have been guaranteed by the Constitution to every American citizen; and

**WHEREAS**, it is important that people throughout our country know and understand the problems, duties, and responsibilities of their police departments and that members of our law enforcement agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

**WHEREAS**, the Nation's police departments have grown to be modern and scientific law enforcement bodies which unceasingly provide a vital public service; and

**NOW THEREFORE, I, JIM GARDNER, MAYOR OF THE CITY OF PALACIOS, TEXAS, do hereby, proclaim May 15 - 21, 2022 as Police Department Recognition week in the City of Palacios, Texas.**

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Palacios, Texas, this the 19th, day of May 2022.

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Jim Gardner, MAYOR

# PROCLAMATION

## Public Works Department

**WHEREAS**, public works services provided in our community are an integral part of our citizen's everyday lives; and

**WHEREAS**, the support of an understanding and informed public is vital to the efficient operation of public works systems and programs including water, sewer, streets, public buildings, solid waste collection, landfill, wastewater disposal, code enforcement and engineering to provide these essential services to our citizens; and

**WHEREAS**, the health, safety and comfort of this community greatly depends on these facilities and services; and

**WHEREAS**, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skills of public works officials; and

**WHEREAS**, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding the importance of the work they perform.

**NOW, THEREFORE**, I, Jim Gardner, Mayor of the City of Palacios, do hereby proclaim the May 15 – 21, 2022 as Public Works Department recognition week. "Building for Today, Planning for Tomorrow"

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the City of Palacios to be affixed this 19th day of May, 2022.

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Jim Gardner, MAYOR

# PROCLAMATION

## Small Businesses

**WHEREAS**, America's progress has been driven by pioneers who think big, take risks and work hard; and

**WHEREAS**, from the storefront shops that anchor Main Street to the high-tech startups that keep America on the cutting edge, small businesses are the backbone of our economy and the cornerstones of our nation's promise; and

**WHEREAS**, small business owners have energy and a passion for what they do; and

**WHEREAS**, when we support small business, jobs are created and local communities preserve their unique culture; and

**WHEREAS**, because this country's 28 million small businesses create nearly two out of three jobs in our economy, we cannot resolve ourselves to create jobs and spur economic growth in our City without discussing ways to support our entrepreneurs; and

**WHEREAS**, the City of Palacios supports and joins in this national effort to help America's small businesses do what they do best, create jobs, and ensure that our communities remain as vibrant tomorrow as they are today.

**NOW THEREFORE, I, JIM GARDNER, MAYOR OF THE CITY OF PALACIOS, TEXAS**, do hereby, proclaim May, 2022 as Small Business Month in the City of Palacios, Texas.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Palacios, Texas, this the 19<sup>th</sup>, day of May, 2022.

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Jim Gardner, MAYOR